

IN THE COURT OF COMMON PLEAS  
GEauga COUNTY, OHIO

DEBRA WELTER	)	Judge:
438 North Street Condo 14B	)	
Chardon, OH 44024	)	Case No:
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
VOKAS PROVISION CO AKA	)	
NATURAL CHOICE HOME FOODS	)	
8284 Washington St.	)	
Chagrin Falls, OH 44023	)	
	)	<b>JURY DEMAND</b>
Defendant.	)	<b><u>ENDORSED HEREON</u></b>

**COMPLAINT FOR UNPAID OVERTIME WAGES**

Plaintiff Debra Welter (“Plaintiff”) alleges as follows for her Complaint against Defendant Vokas Provision Co AKA Natural Choice Home Foods (“Defendant”):

1. Plaintiff worked for Defendant as an employee from about 2011 until November 2019.
2. Defendant’s revenues exceed \$500,000 per year.
3. Defendant is an Ohio corporation, doing business in Geauga County, Ohio.
4. Defendant was an employer of Plaintiff.
5. Defendant is an enterprise engaging in interstate commerce.
6. Defendant accepted out-of-state checks and credit cards from out of state as payment from some of Defendant’s customers.
7. In addition, Defendant shipped product to Pennsylvania and had customers from out of state.
8. Plaintiff and Defendant conducted business with and received mail from many out-of-state customers.

**EXHIBIT A**

9. This Court has subject matter jurisdiction over the claims and parties raised in this Complaint.

10. This Court has personal jurisdiction over the parties to this action.

11. Venue is proper in Geauga County, Ohio because Defendant conducted activity that gives rise to the claim for relief in Geauga County, Ohio and separately because Plaintiff's claim for relief arose at least in part in Geauga County, Ohio.

12. Plaintiff consents to become a party plaintiff in this action and has attached her written consent hereto as Exhibit A.

13. Plaintiff has hired the undersigned counsel and has agreed to pay them reasonable attorney's fees and costs if she is successful on one or more of the claims set forth herein.

14. Defendant paid Plaintiff at an hourly rate and sometimes paid her commissions in addition to her hourly rate.

15. Plaintiff was a non-exempt hourly employee under the Ohio Revised Code and the Fair Labor Standards Act.

16. In many weeks, Plaintiff worked significantly more than forty hours per week for Defendant.

17. Defendant did not pay Plaintiff time-and-a-half overtime wages for hours that Plaintiff worked over forty in a workweek.

18. Defendant only paid Plaintiff (at most) her regular straight-time hourly rate for Plaintiff's overtime hours.

19. Defendant's own pay stubs show that it only paid Plaintiff regular straight-time hourly wages for her hours worked over forty in a workweek. As just one of very many examples, Plaintiff's March 29, 2019 pay stub (attached hereto as Exhibit B) shows that she worked 96.50

hours over a 14-day period (March 8, 2019 to March 21, 2019) without receiving any time-and-a-half overtime wages whatsoever.

20. When Plaintiff inquired about time-and-a-half overtime hours, Defendant told her that he does not pay her overtime because he “takes care of her in other ways.”

21. Defendant is required to comply with overtime requirements set forth in the Ohio Revised Code and the Fair Labor Standards Act, 29 U.S.C. Sections 201, *et seq.*

22. Defendant has violated Ohio Revised Code Sections 4111.03 and 4111.10 and the Fair Labor Standards Act by not paying Plaintiff overtime wages for all hours worked over a regular forty-hour workweek.

23. Defendant’s conduct with regard to not paying time-and-a-half overtime wages to Plaintiff was willful.

24. Plaintiff has been damaged by Defendant’s non-payment of time-and-a-half overtime wages.

25. Plaintiff is entitled to liquidated damages of one times unpaid overtime compensation pursuant to the Fair Labor Standards Act.

26. Defendant is liable for the costs and reasonable attorney’s fees of Plaintiff pursuant to Ohio Revised Code Section 4111.10 and the Fair Labor Standards Act.

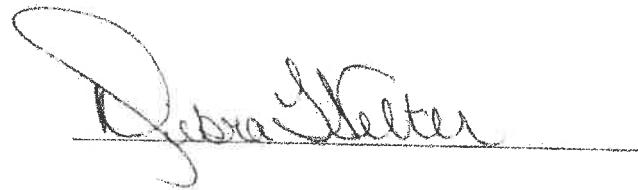
WHEREFORE, Plaintiff demands judgment against Defendant for her unpaid minimum and overtime wages, liquidated damages, post-judgment interest, attorney’s fees and costs, and all other relief to which she is entitled.

JURY TRIAL DEMANDED.

Respectfully submitted,

/s/ Christopher M. Sams  
Stephan I. Voudris, Esq.  
Supreme Court No. 0055795  
Christopher M. Sams, Esq.  
Supreme Court No. 0093713  
Voudris Law LLC  
8401 Chagrin Road, Suite 8  
Chagrin Falls, OH 44023  
svoudris@voudrislaw.com  
csams@voudrislaw.com  
440-543-0670  
440-543-0721 (fax)  
*Counsel for Plaintiff*

Debra Welter agrees and consents to become a party plaintiff in this lawsuit.

A handwritten signature in black ink that reads "Debra Welter". The signature is fluid and cursive, with "Debra" on the top line and "Welter" on the bottom line, both sharing a common "D".

**EXHIBIT A**

Exhibit B

03/29/2019

VOKAS PROVISION CO  
8284 WASHINGTON ST  
CHAGRIN FALLS, OH 44023-4508

(440) 543-8151

NON-NEGOTIABLE

PAY TO THE WELTER, DEBRA NET \$1,145.03  
ORDER OF

WELTER, DEBRA  
438 NORTH ST  
APT 14B  
CHARDON, OH 44024-7800

WELTER, DEBRA  
WORKER ID : 609W-11  
438 NORTH ST  
APT 14B  
CHARDON, OH 44024-7800

PERIOD START 03/08/2019 CHECK DATE 03/29/2019  
PERIOD END 03/21/2019 CHECK NUMBER 0  
VOKAS PROVISION CO

8284 WASHINGTON ST  
CHAGRIN FALLS, OH 44023-4508  
(440) 543-8151

EMPLOYER MEMO:

TIME OFF TYPE	RATE	WORKED	TIME OFF	CURRENT	YTD
REGULAR-HRLY	\$10.00	86.50 hrs		\$1,447.50	\$6,942.00

TOTAL HOURS	86.50 hrs	0.00 hrs	\$1,447.50	\$6,942.00
-------------	-----------	----------	------------	------------

TAXES TYPE	CURRENT	YTD
CHARDON	\$26.95	\$133.64
FED WTHH	\$129.32	\$623.75
FICA	\$89.74	\$403.40
MEDFICA	\$20.99	\$100.66
STATE-OH	\$33.47	\$132.74

TOTAL TAXES	\$302.47	\$1,326.39
-------------	----------	------------

DEDUCTIONS TYPE	CURRENT	YTD
-----------------	---------	-----

TOTAL DEDUCTIONS	\$0.00	\$0.00
------------------	--------	--------

TIME OFF TYPE	EARNEO	USED	AVAILABLE	EARNEO YTD	USED YTD	TOTAL EARNINGS	\$1,447.50	\$6,942.00
						TOTAL TAXES	\$302.47	\$1,326.39
						TOTAL DEDUCTIONS	\$0.00	\$0.00
						NET PAY		

\*Non-Cash Earnings are not included in the Net Pay amount, but are included in the Earnings Period and YTD Totals

# U.S. Postal Service®

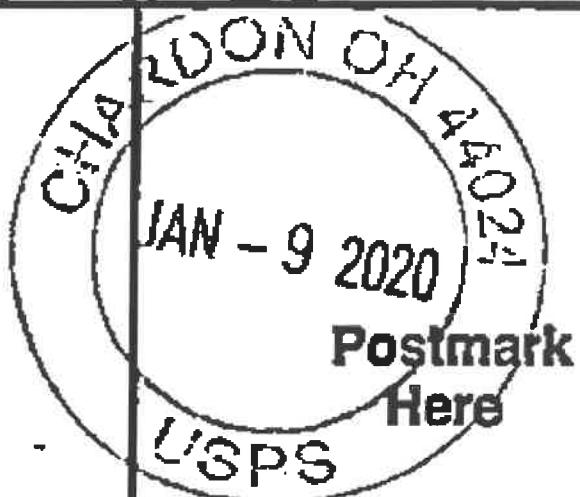
## CERTIFIED MAIL® RECEIPT

*Domestic Mail Only*

### USPS® ARTICLE NUMBER

9414 7266 9904 2148 8150 46

Certified Mail Fee	\$
Return Receipt (Hardcopy)	\$
Return Receipt (Electronic)	\$
Certified Mail Restricted Delivery	\$
Postage	\$
<b>Total Postage and Fees</b>	<b>\$ 0.95</b>



**Sent to:**

VOKAS PROVISION CO  
8284 E WASHINGTON ST  
CHAGRIN FALLS, OH 44023

**E-FILED**

**Reference Information**

19M001004  
9 414 7266 9904 2148 8150 46

GEAUGA COUNTY  
COURT OF COMMON PLEAS  
DENISE M. KAMINSKI, CLERK OF COURTS  
COURTHOUSE - 100 SHORT COURT – SUITE 300  
CHARDON, OH 44024

**SUMMONS**

CERTIFIED MAIL  
JUDGE CAROLYN J PASCHKE  
CASE NUMBER: 19M001004

PLAINTIFF(S) :

DEBRA WELTER  
438 NORTH STREET CONDO 14B  
CHARDON, OH 44024

VS

DEFENDANT(S) :

VOKAS PROVISION CO  
Also Known As NATURAL CHOICE HOME FOODS  
8284 E WASHINGTON ST  
CHAGRIN FALLS, OH 44023

**E-FILED**

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are required to serve upon the plaintiff's attorney, or upon the plaintiff(s) if one has no attorney of record, a copy of your answer to the complaint within 28 days after said service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff's Attorney.

The name and address of the plaintiff's attorney is as follows:

CHRISTOPHER M SAMS  
VOUDRIS LAW LLC  
8401 CHAGRIN ROAD SUITE 8  
CHAGRIN FALLS, OH 44023

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

DENISE M KAMINSKI, CLERK OF COURT

*Katherine Trudick*

KATHERINE TRUDICK, DEPUTY CLERK

Dated 1/8/2020

GEauga County Clerk of Courts Case: 19M001004, eFile ID: 27292,  
FILED: PASCHKE, CAROLYN J 01/07/2020 06:07 PM

IN THE COURT OF COMMON PLEAS  
GEauga COUNTY, OHIO

DEBRA WELTER	)	JUDGE CAROLYN J. PASCHKE
	)	
Plaintiff,	)	CASE NO. 19M001004
	)	
v.	)	
	)	
VOKAS PROVISION CO AKA	)	
NATURAL CHOICE HOME FOODS	)	
	)	
Defendant.	)	

**INSTRUCTIONS FOR SERVICE**

Plaintiff Debra Welter respectfully requests that this Court please serve a copy of the Complaint and Summons to Defendant Vokas Provision Co AKA Natural Choice Home Foods at 8284 E. Washington St., Chagrin Falls, OH 44023 by Certified Mail.

Respectfully submitted,

/s/ Christopher M. Sams  
Stephan I. Voudris, Esq.  
Supreme Court No. 0055795  
Christopher M. Sams, Esq.  
Supreme Court No. 0093713  
Voudris Law LLC  
8401 Chagrin Road, Suite 8  
Chagrin Falls, OH 44023  
svoudris@voudrislaw.com  
csams@voudrislaw.com  
440-543-0670  
440-543-0721 (fax)  
*Counsel for Plaintiff*

FEDEX TRACKING NUMBER: 779238037180

**GEAUGA COUNTY  
COURT OF COMMON PLEAS  
DENISE M. KAMINSKI, CLERK OF COURTS  
COURTHOUSE - 100 SHORT COURT – SUITE 300  
CHARDON, OH 44024**

**SUMMONS**

FEDEX  
JUDGE CAROLYN J PASCHKE  
CASE NUMBER: 19M001004

PLAINTIFF(S) :

DEBRA WELTER  
438 NORTH STREET CONDO 14B  
CHARDON, OH 44024

VS

DEFENDANT(S) :

VOKAS PROVISION CO  
Also Known As NATURAL CHOICE HOME FOODS  
8284 WASHINGTON ST  
CHAGRIN FALLS, OH 44023

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are required to serve upon the plaintiff's attorney, or upon the plaintiff(s) if one has no attorney of record, a copy of your answer to the complaint within 28 days after said service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff's Attorney.

The name and address of the plaintiff's attorney is as follows:

CHRISTOPHER M SAMS  
VOUDRIS LAW LLC  
8401 CHAGRIN ROAD SUITE 8  
CHAGRIN FALLS, OH 44023

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

DENISE M KAMINSKI, CLERK OF COURT

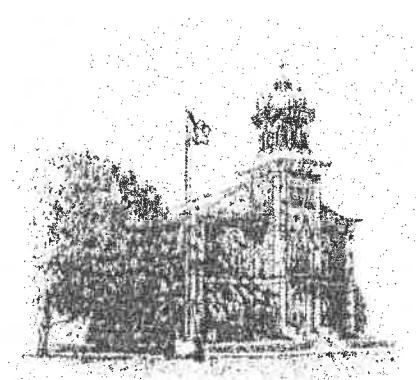


---

DEBRA MURFELLO, DEPUTY CLERK

Dated 12/26/2019

GEauga COUNTY CLERK OF COURTS Case: 19M001004, eFile ID: 26875,  
FILED: PASCHKE, CAROLYN J 12/24/2019 11:01 AM



## DENISE M. KAMINSKI

Geauga County Clerk of Courts

Legal Office  
100 Short Court Ste. 300  
Chardon, Ohio 44024

Title Office  
470 Center St. Bldg. 8  
Chardon, Ohio 44024

### COMMON PLEAS COURT GENERAL CASE DESIGNATION FORM

Debra Welter

Case no.

vs.

Vokas Provision Co AKA Natural Choice Home Foods

Judge:

Has this case been previously filed and dismissed? Check one: Yes  No   
If yes, list case number, Judge and/or Magistrate. Pending or closed related case(s) list case number and judge:

Case No.

Judge/Magistrate

**TORT**

1310  MOTOR VEHICLE  
1311  MEDICAL MALPRACTICE  
1311  DENTAL MALPRACTICE  
1311  OPTOMETRIC MALPRACTICE  
1311  CHIROPRACTIC MALPRACTICE  
1312  LEGAL MALPRACTICE  
1313  OTHER MALPRACTICE  
1314  CONSUMER RELIEF (O.R.C. 1345)  
1330  PRODUCT LIABILITY  
1350  MISCELLANEOUS

**CONTRACT**

1382  BUSINESS  
1384  REAL ESTATE  
1390  COGNOVIT  
1391  OTHER

**MISCELLANEOUS**

1500  REPLEVIN  
1501  OTHER Unpaid Overtime Wages

**ADMINISTRATIVE APPEALS**

1540  EMPLOYMENT SERVICES  
1550  WORKMEN'S COMPENSATION  
1551  OTHER

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted.

Voudris Law LLC

Christopher Sams

Firm Name

Attorney of Record (Print or Type)

8401 Chagrin Rd. #8, Chagrin Falls, OH 44023



Address

(440) 285-2222 • 834-1856 • 564-7131 • Legal Office ext. 1960, Direct (440) 279-1960 • Fax: (440) 286-2127  
Title Office ext. 1750, Direct: (440) 279-1750 • Fax: (440) 286-1429  
Email: dkaminski@co.geauga.oh.us